IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8005 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANGALBHAI SANABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR NK MAJMUDAR for Petitioner

MS MANISHA LAVKUMAR, AGP, for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner, in this petition has prayed for directions to the respondents to grant him Freedom

Fighters' Pension. It is not in dispute that pending the special civil application, the petitioner has been granted Freedom Fighters' Pension. The only dispute remains is of the claim of petitioner for this pension from the date of application. The petitioner filed an application as per his case, for grant of Freedom Fighters' Pension to him in the year 1973. This fact of filing of the application has not been accepted by respondents. A copy of this application is there on the record as Annexure-D. However, today, during the course of arguments, the learned counsel for the petitioner has shown another document, which is departmental correspondence. In this letter written by the Collector of the District Concerned to the Secretary, there is reference of this application of the petitioner for grant of Freedom Fighter's Pension. This document is not produced on record.

#. In the facts of this case, this matter is disposed of in the terms that, re.: claim of petitioner for grant of Freedom Fighters' Pension from the alleged date of application dated 1.1.73 shall be decided by respondent No.1. Along with the representation to be made to respondent No.1, the petitioner may also produce all the relevant material to show that application was filed by him in the year 1973 and the respondent No.1 shall decide the same within a period of one month from the date of receipt thereof. In case the claim of the petitioner is not acceptable for grant of Freedom Fighters' Pension from the deemed date, a reasoned order be passed and a copy of the same be sent to the petitioner by registered post A.D. So far as this matter is concerned, the petitioner shall be entitled for interest on the amount of family pension at the rate of 12% p.a. from the date on which this Freedom Fighters' Pension is granted to him to the date on which arrears are paid. So far as the claim of petitioner for deemed date of grant of Freedom Fighters' Pension is concerned, if it is accepted, he shall also be entitled for interest on the arrears at the rate of 12% p.a. from the date of grant till the date on which the arrears are paid. Liberty is granted to the petitioner for revival of this special civil application in case the respondent passes any adverse orders on his representation. Rule and special civil application stands disposed of accordingly with no order as to costs.

(S.K.Keshote, J.)

(sunil)